

31.08.2023
Item No.23
Ct. No.5
CHC
(dismissed)

WP.ST 90 of 2021

**Tapaty Pramanik
Vs.
The State of West Bengal & ors.**

Md. Ashraf Ali,
Mr. Indrajit Chatterjee
...for the petitioner

Mr. Pinaki Dhole,
Mr. Avishek Prasad
...for the State

The writ petition is directed against an order dated October 1, 2020 passed by the West Bengal Administrative Tribunal in MA 36 of 2020 (O.A.668 of 2019).

The writ petitioner was appointed to the post of Lower Division Clerk on compassionate ground of died-in-harness category of her late husband on the condition that she would be looking after the mother of the deceased employee.

The mother of the deceased employee lodged a complaint with the authorities that the writ petitioner was not looking after her. Consequently, show cause was issued. Disciplinary proceeding was initiated. In the disciplinary proceeding, an order of Censure was passed as against the writ petitioner. The writ petitioner was promoted to the post of Upper Division Clerk with retrospective effect from January

1, 2015 by the order of promotion dated April 17, 2018.

Writ petitioner seeks payment of the salary for the post of Upper Division Clerk for the period from January 1, 2015 till April 17, 2018. Writ petitioner is not entitled to the payment of salary of an Upper Division Clerk from January 1, 2015 since she was not promoted to the post and did not discharge the duties and functions of such post at the relevant point of time. She was promoted to such post with retrospective effect only on April 17, 2018. Therefore, she is not entitled to salary of a post whose duties and functions she did not discharge at the relevant point of time.

In such circumstances, we find no merit in the present writ petition.

WP.ST 90 of 2021 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)